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January 24, 2022

**Via ECF**

Hon. J. Paul Oetken  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: Rumseen Beitmirza v. Elymar Restaurant Corporation et al.,  
1:21-cv-10567 (JPO)  
Request for Extension

Dear Judge Oetken:

This firm represents Defendants Elymar Restaurant Corporation, Elyane Vaschetta and William Welles (collectively, "Defendants"). Pursuant to Rule 3(c) of Your Honor's Individual Practice Rules, this letter serves to formally request that this Court extend Defendants' time to answer, respond or otherwise move in response to the Complaint be extended from February 11, 2022 to March 11, 2022. Plaintiff is amenable to the additional 30-day extension to March 11, 2022. This is the second request for the relief sought herein.

Defendants have provided Plaintiff with documentary evidence establishing that Plaintiff's claims are outside of the statute of limitations under both the Fair Labor Standards Act

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and the New York Labor Law. Indeed, Plaintiff has not worked for Defendants for more than six years prior to the filing of this action. Defendants have requested that Plaintiff voluntarily withdraw the lawsuit with prejudice, in advance of Defendants filing a motion to dismiss the complaint on statute of limitations grounds, and possibly requesting sanctions. Counsel for Plaintiff is taking Defendants' request under advisement and speaking with Plaintiff concerning Defendants' position.

Defendants would like to afford Plaintiff until February 11, 2022 to consider Defendants' request. If Plaintiff refuses to voluntarily dismiss the action, Defendants' will require 30 days to draft and file the motion to dismiss. Accordingly, Defendants request that the Court grant this extension request.

We thank the Court in advance for its attention to this matter.

Respectfully submitted,

/s/ Ryan W. Lawler

Ryan W. Lawler

cc: All Counsel of Record  
(Via ECF)

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